

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

200 W. Washington, Suite 301
Indianapolis, IN 46204
(317) 233-0696
<http://www.in.gov/legislative>

FISCAL IMPACT STATEMENT

LS 6333

BILL NUMBER: SB 117

NOTE PREPARED: Nov 24, 2010

BILL AMENDED:

SUBJECT: Damage from Methamphetamine Lab as Arson.

FIRST AUTHOR: Sen. Kruse

FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: ☒ GENERAL
☒ DEDICATED
☐ FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill specifies that a person who inflicts bodily injury on another person while committing or attempting to commit dumping controlled substance waste commits criminal recklessness as a Class D felony.

It also provides that a person who damages certain property by means of fire, an explosive, or a destructive device while committing or attempting to commit manufacturing methamphetamine or manufacturing cocaine commits arson.

Effective Date: July 1, 2011.

Explanation of State Expenditures: State expenditures would increase if an offender is incarcerated in a state prison for a longer period of time, either due to additional convictions emanating from the same crime or because of an enhanced sentence. While the bill could lead to additional convictions or an enhanced sentence, the underlying crime and the proposed crime largely carry the same penalty, which with concurrent sentences may not increase the amount of time served in a state facility.

The following chart shows the possible additional criminal acts for which an offender may be sentenced.

If an offender...	While the offender commits...	The offender may also be convicted of...
Inflicts bodily injury on another person	IC 35-48-4-4.1 Dumping a controlled substance waste, a Class D felony	IC 35-42-2-2 Criminal recklessness, a Class D felony, or Class C felony if the offense involves a deadly weapon
Damages certain property by fire, explosive, or destructive device	IC 35-48-4-1.1 Dealing in methamphetamine, a Class B felony that may be enhanced to a Class A felony or IC 35-48-4-1 Dealing in cocaine or a narcotic drug, a Class B felony that may be enhanced to a Class A felony	IC 35-43-1-1 Arson, a Class B felony that may be enhanced to a Class A felony if it results in bodily injury or serious bodily injury

Review of state prison admission records indicate that in 2009, there were 305 offenders admitted to a state correctional facility for dealing in methamphetamine, and on average between 2006 and 2009, there were 1,018 offenders a year admitted for dealing in cocaine or a narcotic drug. There were no admissions for dumping controlled substance waste.

Additionally, offenders maybe have been convicted of more than one offense at the time of admission. A review of admission records from 2008 and 2009 showed that fewer than half of the offenders convicted of dealing in methamphetamine or dealing in cocaine or a narcotic drug were convicted of a second offense and even fewer of a third offense. Of those with additional convictions, only one offender a year was convicted of criminal recklessness or arson.

The average expenditure to house an adult offender was \$19,307 in FY 2010. (This does not include the cost of new construction.) If offenders can be housed in existing facilities with no additional staff, the incremental cost for medical care, food, and clothing is approximately \$4,818 annually, or \$13.20 daily, per prisoner. The estimated average cost of housing a juvenile in a state juvenile facility was \$68,260 in FY 2010.

Explanation of State Revenues: No change would likely occur in state revenue as a result of this bill since criminal fines and court fees are the same for either Class B or A felonies.

Explanation of Local Expenditures:

Explanation of Local Revenues: No additional revenues would be expected since the court fees for Class B and Class A felonies are both \$120.

State Agencies Affected: Department of Correction.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: Indiana Sheriffs' Association; Department of Correction.

Fiscal Analyst: Karen Firestone, 317-234-2106.